

C1/288/2017-TC

Transport Commissionerate, Keralam
Trans Towers, Thiruvananthapuram
Dated: 29/05/2017

From

The Transport Commissioner

To

The Regional Transport Officer
Thrissur.

Sir,

Sub: Motor Vehicles Department-Clarification regarding production of
lease agreement- possession of vehicle -Reg

Ref: That office letter no-C5/8398/2015/R dated-15/03/2017

Attention is invited to the above reference. Section 17(1) of the Registration Act, 1908 prescribes the documents, registration of which is compulsory. Section 17(1)(d) provides that 'leases of immovable property from year to year, or for any term exceeding one year, or reserving a yearly rent' need be registered. Section 18(f) provides that the registration of 'all other documents not required by section 17 to be registered' is optional. A combined reading of sections 17(1)(d) and 18(f) provides that lease of movable property is not made compulsory by the Registration Act, 1908.

Section 2(6) of the Registration Act, 1908 has defined 'Immovable property' to include land buildings, hereditary allowances, rights to ways, lights, ferries, fisheries or any other benefit to arise out of land, and things attached to the earth or permanently fastened to anything which is attached to the earth, but not standing timber, growing crops nor grass.' Section 2(9) defines 'Movable property' to include standing timber, growing crops and grass, fruit upon and juice in trees, and property of every other description, except immovable property'. From the definitions, it is clear that vehicle is not an immovable property and hence a movable property.

Hence the stage carriage being a movable property as per section 2(9), registration of the lease agreement for a movable property ie the stage carriage is not mandatory as per section 17(1) of the Registration Act, 1908

Yours faithfully

Sd/-

Senior Deputy Transport Commissioner
(Taxation)
For Transport Commissioner

Approved for issue


Senior Superintendent.

Copy to : All Deputy Transport Commissioners, All Regional Transport Officers
All Joint Regional Transport Officers